IN THE HIGH COURT OF JUDICATURE
AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2084 OF 2005

Hadher Khalaf Al-Muhairy ...Petitioner
Vs.
State of Maharashtra & 2 Ors. ...Respondents

Mr. Sethana for the Petitioner
Mr. Jahagirdar for the Respondent No.2
Mrs. U.V. Kejriwal, A.P.P for the State

CORAM: SHRI J.N.PATEL &
SMT. ROSHAN DALVI, JJ.
DATED: 17TH OCTOBER, 2006

P.C.

1. Heard.

2. The learned Counsel for the Petitioner submits that firstly Mr. Shetty appearing for the Petitioner is not available, secondly there are no instructions forthcoming pursuant to the complaint case filed by the second Respondent under Section 138 of the Negotiable Instrument Act which is pending before the Court of Judicial Magistrate, First Class, Shivajinagar, Pune.

3. The learned Counsel for the Petitioner submits that by this Petition the Petitioner has challenged the very

jurisdiction of the Court and on that basis the proceeding in complaint Case No.3234 of 2003 initiated by the second Respondent is sought to be quashed.

4. In our view this issue can be raised by way of defence before the learned Magistrate. We are not inclined to interfere in the proceedings before the learned Magistrate and therefore, we dismiss the Petition with cost.

(SMT.ROSHAN DALVI, J.) (SHRI. J.N. PATEL, J.)